

SUPREME DECISIONS.

Natural Gas, Like Water and Oil, is a Mineral With by Nature.

POSSESSION GIVES OWNERSHIP.

In Pennsylvania the Father Can't be a Kidnaper of His Child.

CHILLO PLEADS TO MANSLAUGHTER.

Repealer J. L. Graham Asks to Have a Mortgage Cancelled.

The Supreme Court will finish its work tomorrow, and will leave Pittsburgh. A number of important decisions were handed down yesterday.

In the case of the Westmoreland Natural Gas Company vs. Dewitt et al, error to Common Pleas of Westmoreland county, Justice Mitchell yesterday handed down an opinion reversing the decree of the lower court.

The question involved in the suit was whether a certain piece of land leased for drilling purposes had been forfeited because of the company not using the gas.

In Justice Mitchell's opinion, the real subject of possession to which complaint was entitled under lease was the gas or oil contained in, or obtainable through, the land.

The learned master in the case says that gas is a mineral, and while in situ is part of the land, and, therefore, possession of the land is possession of the gas.

But this deduction must be made with some qualifications. Possession of a mineral, but is a mineral with peculiar attributes which require the application of the principles, involving the use of the mineral.

Water is also a mineral, but the decisions in ordinary cases of mineral rights, etc., have never been held as controlling precedents in regard to flowing or even to percolating waters.

Water, oil, and salt water are not only gas, but they are also part of it, so that they are to be treated as one thing.

They are not to be treated as one thing, but as two things, and the law is to be applied to each as it applies to the other.

That Craig Street Middle. In the Supreme Court yesterday an argument was heard in the case of William Maest vs. the City of Pittsburgh, H. M. McClure, et al.

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OTHER CASES DECIDED.

The Supreme Judges Will Quit Pittsburgh To-Morrow—Their Work Over.

The Supreme Court yesterday affirmed the decision of the lower court in the case of the City of Pittsburgh against Mrs. MacConnell, an error to Common Pleas No. 2.

The suit was a lien filed by the city against Mrs. MacConnell for the cost of grading and paving Wilkesville avenue.

The lien, claiming that the paving was poor and defective, and that the contract had been illegally let, competition in bidding being prevented by there being no specifications for the work.

The Supreme Court, in deciding the case, held that the defendant could only have a deduction for the alleged defects.

She did not say to what extent she had been injured by the defective character of the work, or to what extent she was entitled to a refund.

The lower court was affirmed. In the O'Brien appeal from the Orphans Court—a case relating to the distribution of the estate of James Warren—the Orphans Court of Allegheny county was sustained, and one of the executors, Harry MacIntyre, and the estate will be divided as follows:

The other decisions handed down were: A. J. O'Brien vs. Harry MacIntyre, and the estate will be divided as follows: The other decisions handed down were: A. J. O'Brien vs. Harry MacIntyre, and the estate will be divided as follows:

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AIKEN WAS NEGLIGENT.

And His Heirs Can Recover Nothing From the Pennay for His Death.

Justice Mitchell, handed down an opinion reversing the decree of Common Pleas No. 1, of Allegheny county, in the case of P. R. R. Company vs. Aiken.

The Justice holds that the deceased was guilty of very contributory negligence. The action was for the death of a man named Aiken, in the Pennsylvania yards at Wilkesville.

The Justice further holds that the evidence showed the man walked on the track in front of an approaching engine, and that the case should have been non-suited before it got to the jury.

The Judge in charging the jury was wrong in saying that pedestrians should stop and listen before crossing tracks, was a rule of law. It is a rule of evidence, and a question for the jury to consider.

THE NICELEYS DOOMED. Technicalities Will Not Save the Somerset Murderers' Necks.

In the case of Joseph and David Nicely, convicted in Somerset county of the murder of Herman Ferguson, Chief Justice Paxan handed down an opinion affirming the judgment of the lower court.

The Chief Justice says that the time has gone for a convicted murderer to escape punishment on a mere technicality, such as alleged in this case. With the advancement of judicial science, and a more enlightened administration of law more technicalities are less regarded when they work no harm to defendant.

No Royalty in the Case. Justice Mitchell handed down an opinion in the case of Ireland vs. Dick et al, error to Common Pleas of Butler county.

The case is one involving the collection of royalty on the alleged infringement of a patent for manufacturing drilling jars and jar fillings. The Justice holds that the articles manufactured were not different from those made before, and therefore no royalty could be collected.

The judgment was reversed. Litigation in Progress. The jury is out in the case of Catherine Hart, tried for assault and battery on Mrs. A. J. O'Brien.

ALEX. GREENMAN and Charles Klein are on trial for burglary. They are accused of breaking into the house of Pauline Van Balen, on C. P. No. 2, Allegheny, and stealing therefrom a quantity of jewelry.

In the suit of P. Sontor & Son against Otto Miner, an action on an account, tried before Judge Ewing yesterday, a verdict was given for \$10 for the plaintiff.

The November term of the United States Circuit Court opened yesterday morning. The list was called, but none of the cases being ready for trial.

JUDGE EWING, yesterday, handed down a decision refusing to grant the injunction asked for by the O'Hara Glass Company against J. J. O'Brien, Secretary of the American Glass Workers' Union.

The trial of Albertmann Maness, Doughty and Maguire, charged with conspiracy in connection with the Bauder gang, has been fixed for Friday. Bauder, Doyle and Doughty, who have already been convicted on other counts, will be tried with them.

Obstinate Indigestion. Obtainate cases of indigestion, constipation, piles or liver complaint, are easily cured by a few Hamburg Biscuits as may be proved at small cost. Write to Geo. W. Miller, 115 McKean St., N. Y.

\$25 Worth for \$5. One elegant life-size crayon, 13 cabinet photos, one panel, all for \$5, at Yeager & Co., 729 Broadway, 7th floor, N. Y. City. Leave orders for Xmas; come soon.

STRENGTH OF BAKING POWDERS. By Actual Chemical Tests. JOHNSON'S (also...)

REPUTED OF GERMANY CHEMISTS AS "PRIME" CHAM BAKING POWDER. Dr. Price's Cream Baking Powder does not contain Alum, Ammonia or Lime, or any adulterant—R. S. G. PATON, Ph. D., Chemist for the United States Government.

"NEKTAR." Pure old rye Whisky. Our own make. 8 yr. old, 60¢ quart. 12 yr. old, 75¢ quart. 15 yr. old, 85¢ quart. Nothing like these goods can be bought at the price. Highly recommended for medicinal use. Orders by mail filled. J. W. LIPPINCOTT, 607-78 5th Street, Pittsburg, Pa.

THE FATHER NO KIDNAPER. But the Mother is the Legal Custodian of the Children. Justice McClellan handed down an opinion in the case of David Dombel vs. the Commonwealth, error to Quarter Sessions of Blair county.

In this case a certain A. H. R. Gregory and wife had a dispute which resulted in a separation, the wife taking with her a year-old daughter, Maud. Some time after the husband sent the wife word that he was sick and wanted her to come home. The request was granted, and the husband, who had only been playing off sick, took possession of the child and refused to give it up. Suit was brought by the mother to have the child restored to her.

The mother, Mrs. Burns, a widow, and her husband, Mr. Gregory, were both present at the trial. The mother testified that she had been separated from her husband for some time, and that she had been living with her father, Peter Rogers, who was granted a custody of the child in 1890, and died in 1892. The father had no children other than the child in question, and that the estate should go to the descendants of the brothers and sisters of Peter Rogers.

CRIMINAL COURT MATTERS. Many Minor Sentences Meted Out to Various Offenders. Fred Fisher was tried for keeping a ferocious dog that bit John Miller. He was found guilty and the costs divided.

Charles Brooks was acquitted of felonious assault on the person of Mrs. M. J. O'Brien. Joseph Kalstein was tried on oath of Mark Egan for maintaining a nuisance in the shape of a ditch on the farm he occupies. He was found not guilty and the costs divided.

NEW ADVERTISEMENTS.

FIGS OF CALIFORNIA. Combined with the medicinal virtues of plants known to be most beneficial to the human system, forming an agreeable and effective laxative to permanently cure Habitual Constipation, and the many ills depending on a weak or inactive condition of the KIDNEYS, LIVER AND BOWELS.

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A WONDERFUL RECORD. In 41 weeks I have cured hundreds of Catarrh patients, and have permanently relieved many sufferers of Liver, Kidney, Rheumatism, etc.

BURGOON'S System Renovator. Catarrh Remedy, \$2 per package. Burgoon's System Renovator, \$1 per bottle, or six bottles for \$5.

THE CAUSE OF CONSUMPTION. It is now admitted by the medical authorities to be a deficiency of uric waste of Oxidizable Phosphorus normally existing in the human body.

E. FOX SCIENTIFIC OPTICIAN. Patentee and sole manufacturer of the Eureka Eye-Glasses. Eureka nose blades fitted to each eye-glass.

W. M. STUBBS, Optician. 64 SMITHFIELD ST., PITTSBURG, PA. Latest Improved Spectacles and Eye-Glasses; will fit any nose with ease and comfort.

FLEMING'S GOLDEN HAIR BLEACH. Will, with a few applications, produce the golden hue, and so much sought for and admired. FLEMING'S DRUG STORE, 101-114 Market and Diamond.

Wanamaker & Brown, Sixth street and Penn avenue. Simple homes made bright with Sapolio are better than any palaces. Sapolio is a solid cake of scouring soap.

Do you live in grease? As a true patriot and citizen you should naturalize yourself by using the best inventions of the day for removing such a charge. To live in grease is utterly unnecessary when SAPOLIQ is sold by all Grocers and abolishes grease and dirt.

OFFICIAL—PITTSBURG.

AN ORDINANCE AUTHORIZING THE construction of a sewer on Fifty-second street, from Duane street to a connection with a sewer running through private property of Carnegie & Co. on line of said street, near A. V. R. I.

Section 1—Be it ordained and enacted by the City of Pittsburgh, in Select and Common Council assembled, and it is hereby ordered and enacted by the authority of the same, That the Chief of the Department of Public Works be and is hereby authorized and directed to advertise for proposals for the construction of a sewer on Fifty-second street, from Duane street to a connection with a sewer running through private property of Carnegie & Co.

Section 2—That any ordinance or part of ordinance conflicting with the provisions of this ordinance be and is hereby repealed, so far as the same affects this ordinance.

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Section 9—That any ordinance or part of ordinance conflicting with the provisions of this ordinance be and is hereby repealed, so far as the same affects this ordinance.

Section 10—That any ordinance or part of ordinance conflicting with the provisions of this ordinance be and is hereby repealed, so far as the same affects this ordinance.

NEW ADVERTISEMENTS.

SEAL: KILLING IN ALASKA. Ladies wishing to purchase Gennies Seal Garments can get them at Bennett's. We are the largest Importers of Seal Garments.

J. C. BENNETT & CO., Hatters and Furriers, 608 WOOD ST. AND FIFTH AVE. J. DIAMOND, PRACTICAL OPTICIAN, 22 SIXTH STREET.

PATENTS. O. D. LEVINS, Solicitor of Patents, 515 Fifth Avenue, above Broadway, New York City.

RAILROADS. PENNSYLVANIA RAILROAD—ON AND OFFER. NEW YORK AND CHICAGO LIMITED.

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NEW ADVERTISEMENTS.

KAUFMANN'S DAILY CARD OF REASON, NOV. 12, 1899. Custom does often reason overalls. And only saves for reason to the tool.

THE HAT BUSINESS. Has undergone a complete revolution during the past five years. Time was when the so-called tony, exclusive Hatter seemed to have something like a mortgage on the fashionable gentlemen of Pittsburgh.

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